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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

NEW JERSEY COALITION OF
AUTOMOTIVE RETAILERS, INC.,

Plaintiff,

v.

MAZDA MOTOR OF AMERICA, INC.

Defendant.

Case No. 3:18-cv-14563-BRM-TJB

Motion Day: January 22, 2019

**DEFENDANT'S SUPPLEMENTAL STATEMENT OF DISPUTED
MATERIAL FACTS**

Pursuant to Local Rule 56.1(a), Defendant Mazda Motor of America, Inc. d/b/a Mazda North American Operations (“Mazda”) submits the following Supplemental Statement of Disputed Material Facts in support of its opposition to Plaintiff’s motion for summary judgment.

1. Over the past two years, Maxon Auto Enterprises d/b/a Maxon Mazda (“Maxon”) has ranked in the bottom half of all Mazda dealers in New Jersey for both sales and service customer experience. Decl. of Kyle Kaczmarek in Opp. to Pl.’s Mot. Summ. J. (“Kaczmarek Decl.”) ¶ 11.

2. In addition, over this same time period, Maxon’s dealer loyalty and service retention have ranked at or near the bottom of all Mazda dealers in New Jersey. Kaczmarek Decl. ¶ 12.

3. Maxon has failed to substantially comply with the customer satisfaction requirements imposed by its Dealer Agreement. *Id.* ¶¶ 5-12.

4. Over the past two years, sales of new and CPO Mazda vehicles by SIL, LLC d/b/a Irwin Mazda (“Irwin”) have declined year over year, and have ranked at or near the bottom of all Mazda dealers in New Jersey. *Id.* ¶ 15.

5. Irwin has failed to substantially comply with the sales requirements imposed by its Dealer Agreement. *Id.* ¶¶ 5, 13, 15.

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/s/ Brian D. Sullivan
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